

**LEONARD  
STREET  
AND  
DEINARD**

216339

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Office of Proceedings

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April 24, 2006

Part of  
Public Record

**Via Facsimile (202) 565-9019 and U.S. Mail**



Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 "K" Street N.W.  
Washington, D.C. 20423-0001

Re: **STB Docket No. AB-57 (Sub No. 55X)** Soo Line Railway Company – Abandonment  
Exemption – In Milwaukee County, WI -- Trail Use Negotiating Period Extension Request

Dear Mr. Williams:

I write to inform you that Soo Line Railroad Company agrees to provide the Wisconsin Department of Transportation (WisDOT) and the Wisconsin Department of Natural Resources (WisDNR) a 90 day extension of the NITU negotiating period (*through Wednesday, August 2, 2006*) to complete NITU negotiations pursuant to their attached request. Negotiations are near completion but additional time is necessary to close on a final agreement. Pursuant to the request of WisDOT on behalf of WisDNR filed on January 27, 2006, the NITU negotiating period was previously extended to May 4, 2006, by decision served February 2, 2006.

Enclosed are ten copies of this letter.

Very truly yours,

**LEONARD, STREET AND DEINARD**  
*Professional Association*

Alexander K. Vealitzek

/akv

cc: Allyn Lepeska via facsimile (608-267-6734)  
Josephine Gomillion, Surface Transportation Board (202-565-9004)

**Wisconsin Department of Transportation**

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216324

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April 20, 2006

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Mr. Vernon A. Williams, Secretary  
Office of the Secretary  
Surface Transportation Board, Room 1324  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

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RE: **STB Docket No. AB-57 (Sub-No. 55X) Soo Line Railroad Company--Abandonment Exemption--In Milwaukee County, WI -- Motion for Extension of Time to Reach Agreement on a Notice of Interim Trail Use**

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the WisDNR's Motion for Extension of Time to Reach Agreement on a Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return mail envelope for verification of receipt. Thank you.

Sincerely,

*Allyn Lepeska*  
Allyn Lepeska  
Attorney

Enclosures

pc: Vicki Schaefer  
Alex Vealitzek  
Ted J. Torcivia

**FILED FEE WAIVED**

216324  
BEFORE THE  
SURFACE TRANSPORTATION BOARD

AB-57 (SUB-NO. 55X)

SOO LINE RAILROAD COMPANY -  
ABANDONMENT OF TRACKAGE LOCATED  
NEAR WEST ALLIS, MILWAUKEE COUNTY, WISCONSIN

WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
PETITION FOR NOTICE OF INTERIM TRAIL USE

ENTERED  
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### BACKGROUND

On October 21, 2002, the Soo Line Railroad Company, doing business as Canadian Pacific Railway, a Class I common carrier (SOO) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. § 10502 for exemption from the requirements of 49 U.S.C. § 10903 for the abandonment of a 5-mile section of the West Allis Line, extending between milepost 88.2+/- (near State Highway 41 crossing in Milwaukee) and milepost 93.2+/- (near North 123<sup>rd</sup> Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin (Rail Line). The Rail Line is located within Sections 30, 31, 32, 33, 34 and 35, Township 7 North, Range 21 East, in Milwaukee County.

On November 3, 2004, the Wisconsin Department of Natural Resources (WisDNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of SOO railroad from West Milwaukee Milepost 88.2 to West Allis Milepost 99.2, a distance of 5 miles located in the Milwaukee County, Wisconsin.

The Board issued a NITU under 49 CFR 1152.29, which was served on February 8, 2005, allowing the SOO until August 8, 2005, to negotiate a rail banking agreement with WisDNR.

The Board issued a NITU under 49 CFR 1152.29, which was served on September 2, 2005, allowing the SOO until November 5, 2005, to negotiate a rail banking agreement with WisDNR.

On October 20, 2005, WisDOT on behalf of WisDNR, filed a request for an additional 90 day extension of the NITU negotiating period. Under service date of October 28, 2005, the Board extended the NITU negotiating period until February 3, 2006.

On January 27, 2006, WisDOT on behalf of WisDNR, filed a request for an additional 90 day extension of the NITU negotiating period. Under service date of February 2, 2006, the Board extended the NITU negotiating period until May 4, 2006.

Negotiations are currently continuing in good faith between SOO and WisDNR. However, more time is needed to finalize negotiations.

#### MOTION

Therefore, WisDNR moves that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 90 days for a segment of SOO railroad from West Milwaukee Milepost 88.2 to West Allis Milepost 99.2, a distance of 5 miles located in Milwaukee County, Wisconsin for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the WisDNR. This will allow all forms of transportation to be provided in a unified, interconnected, economically efficient, and environmentally sound manner.

Respectfully submitted,



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